

Amendments to the Drawings:

The drawing sheets 1 of 7, 2 of 7, 3 of 7 and 7 of 7 attached in connection with the above-identified application containing Figures 1a-e and 5a-e are being presented as new formal drawing sheets to be substituted for the previously submitted drawing sheets. The drawing Figures 1a-e and 5a-e have been amended to replace the illegible drawings and clearly illustrate the Figures 1a-e and 5a-e.

REMARKS

Applicants acknowledge receipt of an Office Action dated May 17, 2007. In this response, Applicants have amended both claims 1 and 2 to incorporate the features of claims 3, 7, and 8. Inasmuch as these amendments render claims 3, 7, and 8 redundant, Applicants have canceled these claims without prejudice or disclaimer. Applicants have amended claims 4-6 and 9-11 to correct informalities within the claims. Applicants have added new claims 12-17. Support for new claims 12-17 can be found within the specification as originally filed including, for example, in paragraphs [0007], [0009] and [0012]-[0013]. Following entry of these amendments, claims 1, 2, 4-6, and 9-17 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Amendment to the Specification

The amended paragraph [0017] corrects an obvious typographical error which incorrectly references FIGS. 5a-d rather than correctly referencing FIGS. 5a-e. The specification as originally filed contains FIGS. 5a-e which are properly referenced in paragraph [0028].

Objection to the Drawings

On page 2 of the Office Action, the PTO has objected to the drawings for certain minor informalities. Applicants are submitting replacement formal drawings with this response and respectfully request reconsideration and withdrawal of the outstanding objection to the drawings.

Rejection Under 35 U.S.C. § 102

On page 2 of the Office Action, the PTO has rejected claims 1-11 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 5,228,475 to Trill (hereafter “Trill”). Applicants traverse this rejection for the reason set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Here, Trill fails to disclose “two curved tracks arranged one above the other” and “an actuating lever connected pivotably to a driveshaft and to the adjustable flap” as recited in claims 1 and 2. The flat plane valve of Trill rotates by means of two support arms, 36 and 36’ which include first ends 38 and 38’ and second ends 40 and 40’. Col. 3, ll. 5-54. The PTO incorrectly equates both the ends of the support arms 38 and 38’ of Trill to the curved tracks of the present claims and the support arms 36 and 36’ of Trill to the actuating lever of the present claims. The ends of the support arms are not curved tracks, but rather allow the part of the support arm that may have a lock member disposed along an end to prevent sliding between the support arm and the attachments. Col. 4, ll. 10-14. The support arms are not and do not act as a lever, but rather allow the valve to rotate around the support arms. Col. 4, ll. 2-5. The valve opens and closes by rotating along the support arm along the A axis. Col. 4, ll. 18-22; Fig. 2. This differs from the presently claimed invention which comprises “two curved tracks arranged one above the other” and “an actuating lever connected pivotably to a driveshaft and to the adjustable flap.”

For this reason, Applicants submit that claim 1 (as well as all of the claims which ultimately depend from claim 1) is novel in view of Trill.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 102.

CONCLUSION

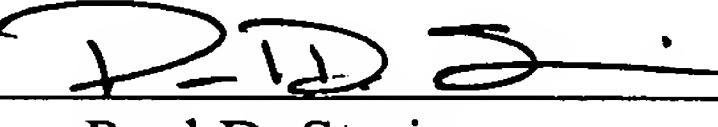
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/14/07
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By 
Paul D. Strain
Registration No. 47,369
Attorney for Applicant